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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,292	01/14/2004	Yutaka Tohgi	0307683 H8058US	4511

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Pillsbury Winthrop LLP
Intellectual Property Group
Suite 2800
725 South Figueroa Street
Los Angeles, CA 90017-5406

EXAMINER

WANG, HARRIS C

ART UNIT	PAPER NUMBER
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2439

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04/27/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/757,292	Applicant(s) TOHGI ET AL.	
	Examiner HARRIS C. WANG	Art Unit 2439	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/02/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/02/2009 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell (20020049679) in view of Erickson (20030046274).

Regarding Claim 1, 7

Russell teaches a contents processing apparatus comprising:

A contents information storage that stores a plurality of contents packages (*"PD provides an encrypted memory space for storage of license data objects created by a license generator located at the NOC and transferred to the UND, as discussed above in reference to FIG. 3" Paragraph [0063]*),

A contents management file for managing respective licenses for the plurality of contents packages, wherein the contents management file includes limit information for controlling the use of the respective contents packages based on the respective licenses, (*"DRM is able to access and decrypt encrypted license data objects within PD" Paragraph [0070]*)

Plug-in modules including executable operative functions for processing contents packages

A plug-in setting device that installs plug-in modules for processing a contents package;

(*"Plug-ins block 438 comprises any plug-in programs associated with media player 440" Paragraph [0068]*)

An operation recognition device that identifies permitted operations related to the processing of the contents package from the contents management file corresponding to the contents package;

An execution instructing device that provides an instruction for processing the contents package; (*Paragraphs [0074-0077] give examples of permitted operations relating to the license*)

While Russell does teach including a plug-ins necessary to the media player Russell does not explicitly teach

Plug-in management file for defining the executable operative functions of the plug-in modules among a plurality of functions of respective plug-in modules, wherein the plug-in management file includes limit information for controlling the use of the respective plug-in modules

A plug-in function permission device that permits use of plug-in modules corresponding to the permitted operations identified by said operation recognition device, among functions of the plug-in modules installed by said plug-in setting device for processing the contents based on the limit information for the respective plug-in modules

A contents processing execution device that processes the contents package, according to the executable operation functions of the plug-in modules permitted by said plug-in function permission device.

Erickson teaches a plug-in management file for defining the executable operative functions of the plug-in modules among a plurality of functions of respective plug-in modules, wherein the plug-in management file includes limit information for controlling the use of the respective plug-in modules (*"When the DRM format handler opens a file in which a DRM mechanism has been specified it calls the specified plug-in or remote service to handle it"* Paragraph [0021])

A plug-in function permission device that permits use of plug-in modules corresponding to the permitted operations identified by said operation recognition device, among functions of the plug-in modules installed by said plug-in setting device for processing the contents based on the limit information for the respective plug-in modules

A contents processing execution device that processes the contents package, according to the executable operation functions of the plug-in modules permitted by said plug-in function permission device. (*"a mechanism whereby a variety of DRM vendors could create "plug-in" solutions based upon different value propositions. Each of these DRM plug-ins could be arranged to apply their proprietary protocols as required to deliver whatever DRM user interfaces, key management, transactional messaging, etc. are required"* Paragraph [0015])

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the DRM licensing system of Russell with the plug-in management system of Erickson.

The motivation is so that "Interoperability is easier to achieve...[to] provide a variety of DRM...plug-ins (Paragraph [0015] of Erickson)."

Regarding Claim 3,

Russell and Erickson teach a contents processing apparatus according to claim 1, wherein the contents processing apparatus is coupled to an external apparatus via a communication network, and the contents management file is obtained from the external apparatus via the communication network (*Figure 2 of Russell*)

Regarding Claim 4,

Russell and Erickson teach a contents processing apparatus according to claim 1, wherein the contents management file is rewritable and is obtained independently of the contents packages corresponding thereto (*Figure 3 of Russell, in particular "License Generator"*)

Regarding Claim 5,

Russell and Erickson teach a contents processing apparatus according to claim 1, wherein the plug-in management file is rewritable and is obtained independently of the contents packages corresponding thereto (Paragraphs [0019-0020] of Erickson)

Regarding Claim 6,

A contents processing apparatus according to claim 1, wherein a contents package is inhibited from being used when there is no contents management file corresponding to the contents package and are also inhibited from being processed when there is no plug-in management file corresponding the contents package (*Figure 6 of Russell shows if license information or DRM information is not matched the contents package is inhibited from being processed*)

Regarding Claim 8,

Russell and Erickson teach a contents processing apparatus according to claim 1. Russell and Erickson do not explicitly teach further including an update device that updates the plug-in management file.

The Examiner takes Official Notice that updating plugins are well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the inventions to include an update device that updates plugins.

The motivation is to provide plug-ins with the most recent information.

Conclusion

Art Unit: 2439

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HARRIS C. WANG whose telephone number is (571)270-1462. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KAMBIZ ZAND can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Harris C Wang/
Examiner, Art Unit 2439

/Kambiz Zand/

Supervisory Patent Examiner, Art Unit 2434